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JUDGE JAY'S PORTRAIT AT WHITE PLAINS.

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CORRESPONDENCE

IN REFERENCE TO

Its Original Acceptance by the County of  
Westchester, and the Recent Attempt to  
Remove it from the Court House.

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NEW YORK:  
JAMES G. GREGORY, 46 WALKER STREET.  
1863.

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## INTRODUCTION.

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MR. CLAPP AND OTHERS TO MR. JAY.

JOHN JAY, Esq.

DEAR SIR:

It seems that a Resolution was introduced before the Board of Supervisors of Westchester County, at its late session, having for its object the removal from the Court Room of the County, of the Portrait of the late Hon. William Jay—a Resolution which we believe to have been condemned by the citizens of the County, and which proved too distasteful to the Board to pass.

We would be glad to learn what are the facts and circumstances under which the Portrait was received and placed in its present position; and presuming that they are fully known by you, we would be obliged by any information on the subject which you will furnish to us.

Yours respectfully,

JOHN J. CLAPP,  
THOMAS NELSON,  
SAMUEL E. LYON,  
C. H. MITCHELL.

*Dec. 22, 1862.*

## MR. JAY'S REPLY.

TO JOHN J. CLAPP, THOMAS NELSON, SAMUEL E. LYON,  
AND C. H. MITCHELL, ESQUIRES.

DEAR SIRs:

I have received, this morning, your note of yesterday, touching the recent proposition in the Board of Supervisors of Westchester County to remove my father's portrait from the Court House at White Plains, and asking me to advise you of the facts and circumstances under which the portrait was received and placed in its present position.

I recognise the request as coming from gentlemen long identified with the County, and prominently representing its bar: and in reply I beg leave to submit to you the correspondence which I recently had with the Board of Supervisors, my letter to them of the 12th of December referring as I believe, to all the material circumstances with which I am acquainted.

Your reference to the fact that the proposition was condemned, as you believe, by the citizens of the County, and that it proved distasteful to the Board, seems to justify me in acknowledging my deep obligations to yourselves and other gentlemen of the bar, to my fellow citizens generally of all parties and all opinions, and especially to the members of the Board of Supervisors who have firmly and successfully resisted the effort to remove the portrait of Judge Jay. That portrait was not placed where it is, as has been erroneously

intimated, on party grounds, nor by my father's "political admirers." It was not placed there as the portrait of an abolitionist, holding views acceptable only to a part of the people; but as the portrait of a Judge who had done his duty faithfully by the whole; a Judge who with scrupulous care guarded the rights and interests of the County, purifying the political atmosphere in which he moved, setting himself an example of economy and fidelity to all public officers; a Judge whose long administration of the Judiciary was signalized by no breaches of trust involving public infamy and public debt; whose rectitude was not swayed by political bias: who never used his power but for the advancement of justice: who never winked at crime: never tolerated party corruption or party jobbery; and who, as is universally conceded by friends and foes, never soiled the purity of the ermine, by making it a cloak for the rewarding of partisans, for the gratification of enmities, for the achieving of political manœuvres, or the advancement of personal ambition.

It was the purity of his character and life as a jurist and a man, and not his opinions nor his party, which the people, after his death, united to honor, and which they have now united to defend; and differing as I have done, and as perhaps I now do more or less with a majority of my fellow citizens of the County, I can the better appreciate the magnanimity with which they recognize historic traditions and the memory of the just, as a common inheritance to be transmitted to our

children, and to be shielded from the breath of slander and the hand of malice.

Cherishing as I do my father's memory, I cannot be—I am not, insensible to the spontaneous, the affectionate tributes to his worth, which this matter has called forth, from those who during his life were the warmest opponents of his political and his theologic views; and in the prompt defeat of the attempt to remove his portrait from the Court Room, I find new occasion for attachment to the ancient County of Westchester, with which my family have been so long and so intimately associated.

I am, dear Sirs,

Very faithfully yours,

JOHN JAY.

194 FIFTH AVENUE, NEW YORK, }  
*December 23, 1862.* }



## CORRESPONDENCE

WITH THE

Westchester Board of Supervisors, touching  
the Portrait of Judge Jay.

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No. I.—MR. JAY TO THE BOARD OF SUPERVISORS.

TO THE BOARD OF SUPERVISORS  
OF WESTCHESTER COUNTY :

GENTLEMEN.—I am advised to-day, for the first time, that a Resolution has been introduced into your proceedings for the removal from the Court Room of the portrait of Judge Jay, which a former Board of Supervisors formally accepted and placed by their Committee in its present position.

Believing that a proposition so violative of good faith, and so disrespectful to the memory of my father, could only be tolerated by you from a misapprehension of the facts of the case, I lose not a moment in requesting that you will favor me with a copy of the Resolution, and that you will postpone any further action upon it until I can submit a statement and correspondence in reply.

Very respectfully,

Your obedient servant,

JOHN JAY.

194 FIFTH AVENUE, *Dec.* 8, 1862.

## No. II.—THE CLERK OF THE SUPERVISORS TO MR. JAY.

BOARD OF SUPERVISORS, WESTCHESTER Co., }  
 WHITE PLAINS, Dec. 10, 1862. }

JOHN JAY, ESQ. :

DEAR SIR,—In conformity with a resolution passed by this Board yesterday, in compliance with your request, I herewith forward to you a copy of the Resolution referred to in your communication to this Board.

Very respectfully yours, &c.,

J. M. SMITH, *Clerk.*

## THE RESOLUTIONS.

“ *Whereas*, a Committee of the Legal profession of this County have expressed the desire to present this County, through the medium of the Board of Supervisors, with a large and finely executed Portrait, painted in oil from an original portrait by Jarvis, and excellently copied by the celebrated artist Elliott, of the late Governor Daniel D. Tompkins, provided a conspicuous and proper place over the Judge’s desk in the Court Room is assigned for its position and permanent place therein; and *whereas*, the many public and private virtues and eminent public services of Governor Tompkins—a *native of this County*—have embalmed his memory in the affections of its people; and the many distinguished public positions held by him in his lifetime, viz, a Justice of the Supreme Court of this State—the Governor thereof—and the Vice President of the United States,—entitles his portrait to the best position in the Court Room :

“ *Therefore be it Resolved*, That this Board of Supervisors will gladly and most cheerfully accept, in behalf of the County, said portrait of Daniel D. Tompkins, and assign to it the desired position in said Court Room; and the Committee on Repairs and Supplies of this Board are hereby charged with the duty of receiving the same and placing it over said Judge’s desk.

" *Resolved*, That the said Committee on Repairs and Supplies be and are hereby authorized and directed to return the portrait now hanging over said desk to the owner thereof, or hold the same subject to his order."

No. III.—MR. JAY TO THE BOARD OF SUPERVISORS.

TO THE BOARD OF SUPERVISORS OF

WESTCHESTER COUNTY :

GENTLEMEN,—I had yesterday the honor of acknowledging the receipt, through your Clerk, Mr. Smith, of a copy of the Preamble and Resolutions offered in your Board on the 1st December instant, and of thanking you for your prompt courtesy in furnishing them at my request.

Before referring to that part of the Resolutions in regard to which I propose to address you, it may not be improper for me to say that I heartily concur in the testimony embodied in the Preamble of the Resolutions, to "the many public and private virtues and eminent public services of Governor Tompkins." I especially revere his memory for virtues and services that the Preamble omits to notice, but which the world will not readily forget. I honor the name of Daniel D. Tompkins as that of the Governor of New York who completed the work early begun by one of his predecessors of abolishing slavery within our borders; and who, by thus setting at defiance pro-slavery prejudice and pro-slavery dictation, boldly exhibited his belief in the truths declared by our country at its birth, relieved the fair fame of our State from that dark reproach, accomplished a great act of justice to a wronged and helpless race, and inscribed his name high upon the roll of philanthropists. His name stands a bright example, never more valuable than at this moment, for the admiration of American citizens and the imitation of American statesmen.

Many of our countrymen have nobly advocated the truths proclaimed by Jefferson, but to Governor Tompkins belonged the rare glory of being an abolitionist not only in theory but in practice. In any honor, therefore, that the Board of Su-

pervisors of Westchester County can properly render to his memory, they will have the cordial concurrence of the loyal and philanthropic citizens, not simply of the County which you represent, but of our country at large, and especially of that class of our fellow citizens who affectionately remember him as the deliverer of themselves, their parents, and their children, from the curse of slavery.\*

It is peculiarly fitting that the Democratic party, of which he was so bright an ornament, should be taught to revere his principles and his example ; that the portrait of the Governor so long known as "the Farmer Boy of Westchester" should adorn the Court Room of the County that gave him birth, and that it should be suspended in the most honorable place which you are at liberty to assign to it.

The question whether you are altogether at liberty to assign to it the particular place which your predecessors have already allotted, is a minor question, that does not at all infringe upon the propriety, which no one recognizes more cordially than myself, of doing honor to the immortal memory of Governor Tompkins.

The Preamble to the Resolutions recites that a committee of the legal profession of the County have proposed to present to the County a portrait of Governor Tompkins, provided a place over the Judge's desk in the Court Room is assigned for its position, and the first of the proposed Resolutions declares that the Board of Supervisors will accept it, "and assign to it the required position," and further charges the Committee on "Repairs and Supplies" with the duty of receiving the same and placing it over the said Judge's desk.

\* The message of Governor Tompkins to the Legislature, 28th January, 1817, earnestly recommending the establishment of a day on which slavery in New York should forever cease, contained this memorable passage :

"What more acceptable return can a grateful and enlightened people make to the Heavenly donor of these great benefits, than by emancipating from bitter servitude that portion of his creatures which still continues to be held in unjust and cruel bondage by civilized and independent freemen ?"

The Act of Emancipation thus recommended was passed within two months from the date of this message.

The second of the proposed Resolutions is as follows :

“ *Resolved*, That the said Committee on Repairs and Supplies be and are hereby authorized and directed to return the portrait now hanging over said desk to the owner thereof, or hold the same subject to his order.”

The portrait thus referred to, as the one “now hanging over the said desk,” is the portrait of my father, the late Judge Jay ; and I presume that I am the person intended to be referred to as “the owner thereof.”

I am not insensible to the delicacy of my position, in reference to any contemplated action of your body, involving the degree of respect entertained by your Board, or by the people of Westchester County, whom you represent, for the memory and character and life of Judge Jay ; but believing, as I must do, that the mover of the Resolutions, and probably, the Board at large, are unadvised of the distinct assurances given in the behalf of the people of the County, by a former committee of the Westchester Board of Supervisors ; I deem it to be but a simple duty, in justice to the Board, to the people of the County, to my father’s memory, and to his surviving friends, to submit to the present Board of Supervisors the facts of the case. I feel that I have no right silently to acquiesce in the passage of resolutions by your body, which, on their face, seem to me to imply either singular ignorance of the proceedings of your predecessors, or—and this latter alternative I decline to entertain—a wanton disregard of the honor of the County.

On the 8th of November, 1858, a meeting of the Bar of Westchester County was held at Bedford, in honor of Judge Jay’s memory. As the proceedings of that meeting led to the presentation of the portrait, I will endeavor to procure a copy of them to enclose in this letter.

The suggestion which more immediately led to the offer of the portrait was made in these words, by the presiding officer of the meeting, the Hon. Wm. H. Robertson. After recalling his own personal obligations to Judge Jay, and paying a



high tribute to his eminence as a jurist, Judge Robertson said :

“ In conclusion, I would state that Mr. John Jay has in his possession an excellent portrait of his father—a copy of which might be made by some eminent artist, and suspended in the court room at White Plains. It would subserve an excellent purpose. Judges would be prompted to emulate his example ; counsel might be incited to take higher position than that of the mere pettifogger ; jurors would be impelled to render exact justice to plaintiff and defendant ; while witnesses, suitors, and spectators would be inspired with purer motives.”

Although not, perhaps, sharing to the full these bright anticipations, I was not insensible to the fitness of the suggestion which I understood the Bar cordially approved ; and preferring that those gentlemen should not be called upon to subscribe for the purpose, I wrote to Judge Robertson, as follows, on the 12th November, 1858 :

“ I have read in the *Post*, of last evening, with much interest, the proceedings of the Westchester Bar, at Bedford, in honor of my father’s memory, and I feel deeply grateful to you and the other gentlemen who took part in the proceedings, for their warm-hearted tribute to his character and their kind sympathy with his family.

“ In reference to your suggestion that a copy of my father’s portrait, in my possession, should be procured for the Court House at White Plains, allow me to say, that if that suggestion is approved by the proper authorities, it will give me pleasure to have a copy made by a competent artist, and to present it to the County.

“ Perhaps you will be good enough to make known this offer to the Supervisors, and advise me if the gift will be accepted.”

I think that I was recommended by Judge Robertson to address myself directly to the Board of Supervisors, and that I did so ; and your files probably contain my letter.

I soon after received the following letter :

"BEDFORD, *December 6, 1858.*

"JOHN JAY, ESQ. :

DEAR SIR,—The undersigned were appointed by the Board of Supervisors of Westchester County to inform you that your generous offer to furnish to the County a portrait of the late Judge Jay was gratefully received and highly appreciated. They were also invested with the privilege of receiving the portrait, which they will be most happy to do at any time or place that your wishes or convenience may suggest.

Yours, respectfully,

H. D. ROBERTSON,  
G. A. BRANDRETH, } *Committee.*  
A. VAN CORTLANDT,

To this note I replied as follows :

MR. JAY TO THE COMMITTEE OF THE SUPERVISORS.

NEW YORK, *Dec. 13, 1858.*

Messrs. W. D. ROBERTSON,

G. A. BRANDRETH and

A. VAN CORTLANDT, Esquires,

*Committee of the Westchester*

*Board of Supervisors :*

GENTLEMEN,—I beg to acknowledge the receipt of your obliging note of the 6th December instant, accepting my offer of a portrait of my father for the Court House at White Plains.

I have taken the first steps towards the procurance of a proper copy of one painted some years since by Mr. Wenzler, which is regarded by the family as a very striking likeness; and I will endeavor to secure its completion at as early a time as may be practicable, when I will have the honor of again advising you.

I am, gentlemen,

Very respectfully,

Your obliged and ob't serv't,

JOHN JAY.

There was, at that time, no other portrait suspended in, or belonging to, the Court Room, and the idea was, I believe, generally entertained that the proper place for the picture would be the one it now occupies, behind the Judge's seat, where an arched recess, then curtained in front, afforded an outer frame work, in which, by a clever architect, a picture might be readily fitted. The Committee were understood to approve it. The artist, who personally visited the Court Room, was of the same opinion, and so, as it appeared, was the architect of the Court House.

A study of the portrait was carefully made, and then it was painted, as you see it, with a conscientious regard on the part of the accomplished artist to its intended placement, to the propriety of the attitude, the moral fitness of the accessories, and the harmony of its tone and coloring with the surroundings of the Court Room.

On the 23d February, 1859, the Committee of the Supervisors were advised that Mr. Wenzler had completed his work, that the frame which had been ordered would be presently ready, and that Mr. Wenzler would like their consent to exhibit the picture at the annual exhibition of the artist, before its final removal to White Plains.

They were also distinctly advised by letter of what had been already verbally agreed upon, and it was proposed, "with their approval, to have the portrait hung behind the Judge's seat;" and that, "with the view of so arranging it as to accord most favorably with the general appearance of the Court Room," and to facilitate the early completion of the matter, not on individual responsibility, but by the authority and under the direction of the Supervisors, the Committee were asked for "a note to the architect of the Court House, with authority to hang the picture in such manner as the architect and the artist may suggest, and as you may approve."

In reply to that suggestion, a note was received from the chairman of the Committee, the Hon. Hezekiah D. Robertson, dated March 16, 1859, apologizing for the delay of his answer, as caused by absence from home, consenting to the exhibition of the portrait by the artist, and remarking, "It is certainly



desirable, as you suggest, to suspend the picture so as to accord most favorably with the general appearance of the Court Room."

On the same day the Committee, by their chairman, addressed the following note to the architect of the Court House :

THE COMMITTEE TO THE ARCHITECT.

WESTCHESTER COUNTY CLERK'S OFFICE, }  
WHITE PLAINS, *March 16, 1859.* }

R. G. HATFIELD, ESQ.,

*Architect of the Westchester County Court House :*

DEAR SIR : At the last session of the Board of Supervisors of this County, a Committee was appointed to receive and suspend a portrait of the late Judge Jay in the Court Room ; and as your suggestion as to the most suitable place for hanging the portrait is deemed desirable, I take the liberty of addressing you this note. After a conference with Mr. John Jay and the artist, you are authorized to suspend the portrait in any manner that may meet with your joint approval.

Yours, &c.,

H. D. ROBERTSON,

*Chairman of Committee.*

Conferences between the architect and the artist were had, and led to the conclusion that a square frame which had been made for the picture should be replaced by a new one, arched at the top to correspond with the recess behind the Judge's seat ; and in the recess I believe a new framing of wood was inserted for the reception of the gilt frame of the picture.

I arranged with Mr. Hatfield for the payment of the bills for the new frame, the carpenter, and other work thus rendered necessary, as well as for his own services. I am not aware that any part of the expenses connected with the portrait, or with the architect's work in the Court Room, performed under the direction of the Committee, was borne by the County ; and I subsequently understood that the placing of the portrait

had been in every respect approved by the gentlemen to whom it had been entrusted by the Supervisors.

I find it difficult, indeed impossible, to believe that these facts could have been within the knowledge and recollection of the members of the legal profession in Westchester County, who are anonymously referred to as having offered to the County the portrait of Governor Tompkins, on the condition that it should be placed in the position now occupied by that of Judge Jay.

I am unwilling to think that, in presenting so valuable a gift to the County, they would have intentionally coupled it with a condition which it was at least doubtful if the Supervisors could honorably accede to, or that they have deliberately blended with a graceful act of homage to the memory of one Judge, an intentional insult to the memory of another. Such an act would be singularly inconsistent with the testimony so frankly borne by the bar of the County to my father's memory.—A tribute the more noble and significant from the fact that those who eulogized him had for long years differed widely from his political and religious opinions, and that they allowed no past hostility, personal or political, to interfere with the expression of their hearty appreciation of his eminence as a jurist and his character as a man. Their conduct on that occasion was widely recognized as according with the dignity of the profession, and the acknowledged respectability of the Westchester Bar. To that Bar belong historic traditions and honored memories, that neither its members nor the people are ready to forget.

The eminent names among the dead that render it illustrious.—Martin Wilkins, Peter Jay Munroe, Peter Augustus Jay, P. R. Vooris, and, more recently, Minot Mitchell; the names of Elisha Williams, David Graham, George P. Barker, Joshua A. Spenser, and Ambrose L. Jordan, who so frequently brought their great talents to assist in its forum; the venerable name of William Nelson, standing at the head of the living members of its Bar, and the line of venerable Judges who during successive generations have sat upon its bench, among whom were Isaacs, Reed, Tompkins, Lockwood, Vark, and

Constant,—these names and memories afford no slight guarantee against the commission of any act that would tarnish its ancient record, or impair its hereditary character for the gentlemanly courtesy that of right belongs to the profession.

If a single member of the Westchester Bar is capable of carrying political partisanship beyond the grave, or of venting his malignity toward the living in insults to the dead, I feel the profoundest assurance that the honorable members of the Westchester Bar will have no more sympathy with such a proceeding than will the people of the County, or of the country; and that they will be prompt to repel with contempt an imputation of sympathy with that sort of warfare.

In conclusion, gentlemen, I have shown you that my offer to the County of a portrait of Judge Jay was induced by a suggestion of the presiding officer at a meeting of the Westchester Bar; that that offer was distinctly accepted, with expressions of gratitude by the Board of Supervisors, and a Committee of the Board appointed, in their own words, "to receive and suspend the portrait;" that, after that acceptance, the portrait was painted for the County with careful regard to the place it was to occupy, framed, and again re-framed, at the suggestion of your own architect, acting under the direction of your own Committee, with elaborate alterations in the surrounding woodwork, with the view to its being made a permanent fixture in perfect accordance with the architecture of the Court House; that in the whole proceeding my conduct was marked by a proper delicacy, that I neither dictated nor ordered, but through the long interval that elapsed from the acceptance of my offer, to the final placing of the portrait, I uniformly consulted the Committee of the Board, and left all to their direction.

Their frank courtesy, and their assurances in regard to the appreciation by the Supervisors and the people of Westchester, of the gift suggested by the members of the Bar, had not, I confess, prepared me for such a Resolution as that which authorizes and directs your Committee on Repairs and Supplies "to return the portrait now hanging over the desk to the owner thereof, or hold the same subject to his order."

Having thus frankly acquainted you with the facts connected with the past history of the portrait,—facts which it seemed proper you should clearly understand, and which, in view of the action proposed for your adoption, have become, perhaps, of public interest, I feel that I have done all that my position in the matter renders proper; and, without suggestion as to the course you may think fit to pursue,

I have the honor to be, gentlemen,

Very respectfully, your obedient servant,

JOHN JAY.

194 Fifth Avenue,  
NEW YORK, *Dec.* 12, 1862.

## PROCEEDINGS

(REFERRED TO IN THE PRECEDING LETTER)

### Of the Bar of Westchester County in Honor of Judge Jay's Memory.

(From the "EASTERN STATE JOURNAL," *White Plains, Nov. 12, 1853.*)

At a meeting of the Court and Bar of the County of Westchester, at Bedford Court House, on the 8th instant, William H. Robertson was called to the chair, and John P. Jenkins appointed Secretary.

Judge Robertson, upon taking the chair, announced the decease of William Jay, of Bedford, an old and well-known member of the legal profession, and for many years a Justice of this Court.

Mr. William Nelson then proposed the following preamble and resolutions :

*Whereas*, since the last term of the court of this county, the hand of Death has removed from among us the Honorable William Jay, for a quarter of a century the presiding officer of the Court of Common Pleas, whose official career was marked by extensive learning, punctilious attention to his duties, strict and fearless uprightness, as well as by uniform courtesy toward the Bar, and all others with whom he was brought into contact; and whose life was noted for a conscientious observance of justice toward all, for eminent usefulness, and every virtue ennobling to human character—thus securing for him the veneration and regard of all classes of his fellow citizens; therefore,

*Resolved*, That this meeting takes this opportunity to express their deep sympathy with the family and friends of Judge Jay, in the bereavement which they sustain by his death.

*Resolved*, That Judge Jay, by the purity and simplicity of his life, by his liberality toward every measure deemed by him to be conducive to the benefit of his fellow men, by his strict justice, by his hatred of oppression and wrong, by or upon whomsoever inflicted, by his love for those cherished truths which regulated his conduct, and sustained and cheered him at the termination of his career, has left behind him an example worthy of our studious imitation; and that the reverence with which the name and character of our departed friend were mentioned everywhere, illustrates the truth of the inspired declaration, that "the memory of the just is blessed."

*Resolved*, That his Honor Judge Robertson is hereby requested to



cause the foregoing preamble and resolutions to be entered upon the minutes of the County Court of this County, and that the Clerk of said Court be directed to transmit a copy to the family of the late Judge Jay.

Mr. Nelson spoke of his relations to the family of the deceased, commencing with the late John Jay, the incorruptible statesman and upright jurist, and went on to say that William Jay had ever proved himself worthy of his parentage. He recited his virtues, and said that his example was a worthy one, and safe to imitate.

Mr. Robert S. Hart seconded the resolutions, and eulogized the late Judge Jay as a lover of justice, the hater of every species of oppression, the Christian jurist, the pure and virtuous citizen, who ever had shown himself the friend and encourager of young men, and the glory of the judicial station. A great man had fallen, one whom they had been long accustomed to revere and esteem; and now, in their grief, they looked in vain for another worthy to bear his mantle, or succeed to his honors.

Judge Robertson, upon putting the motion, remarked that he felt himself obligated to join in this tribute to the memory of Judge Jay, from the peculiar relations that had existed between them. He had been born within sight of his mansion, and enjoyed his friendship from his youth upward. He gave me his confidence, continued Mr. Robertson, and his approbation of my conduct. The success attending me was ever to him a source of pleasure; as, indeed, was the prosperity of every young man of his acquaintance.

From 1818 till 1843 he was Judge of this Court. His judicial career was worthy of his noble sire, John Jay, the statesman of the Revolution, the author of the glorious State Constitution of 1777, and the first head of the United States Supreme Court. He was a model officer, a just judge. He dispensed justice from the bench with learning and wisdom, with stern integrity and the strictest impartiality. His neighbors, his friends, strangers, the rich and the poor, were punished alike for violation of law.

During the twenty-five years that he was Judge of this county, no trial, civil or criminal, occupied more than one day. It may appear strange to the younger members of the bar, that so great rapidity, so great saving of time, could be exercised in the dispensing of justice, and the rights of all be regarded. But Judge Jay was a jurist of the highest attainments. Whenever a point was raised, he was familiar with it, and the law applicable to it, and usually decided it without argument. If either party sought to introduce irrelevant or improper

testimony, he would reject it immediately, before the other party had time to raise an objection. It will thus be perceived, by all familiar with trials, and who are aware how much time is occupied in arguing motions, and in the introduction of irrelevant testimony, how it was that Judge Jay, by divesting the proceedings of all this useless rubbish, and confining them to the main issues, was enabled to dispose of cases so summarily, and at the same time so justly. He was just to the prosecution; he was just to the prisoner; and he regarded the interests of the people of this County.

He was an exemplary citizen. Those with whom he differed in sentiment always conceded to him sincerity, purity, and integrity. He was religious without intolerance, upright without bigotry, merciful and generous without weakness. As a man in private, public, and Christian life, he was a rare model. By his death, the community in which he lived has lost one of its most useful members, humanity one of its brightest ornaments, Christianity one of its noblest exemplars.

In conclusion, I would state, that Mr. John Jay has in his possession an excellent portrait of his father, a copy of which might be made by some eminent artist, and suspended in the Court Room at White Plains. It would subserve an excellent purpose. Judges would be prompted to emulate his example. Counsel might be incited to take higher position than that of the mere pettifogger. Jurors would be impelled to render exact justice to plaintiff and defendant; while witnesses, suitors, and spectators would be inspired with purer motives.

The resolutions were put and adopted; after which, the meeting was adjourned.

At the opening of Court, on motion of Mr. Nelson, the proceedings were ordered to be engrossed upon the records.

## Protest against the Removal of Judge Jay's Portrait.

PRESENTED TO THE BOARD DEC. 15, 1862, BY MR. C. S. BROWN.

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*To the Board of Supervisors of the County of Westchester :*

THE undersigned, having learned with regret that a proposition has been introduced in your body for the removal of the portrait of the Hon. WILLIAM JAY from the Court Room in the new Court House at White Plains, respectfully but earnestly request you to discountenance the same.

Many of us were well acquainted with Judge Jay, and can speak from personal knowledge of those high qualities which have given him an historic celebrity. Whilst he entertained and vigorously vindicated decided opinions on certain questions which have much divided society, and produced much acrimony of feeling, in which many of us did not sympathize with him; yet we can all bear testimony to the noble frankness and sincerity of his nature, to his deep interest in all questions tending to advance the interests of his race, to his widespread charities, to his love of justice and hatred of wrong, and to the extraordinary intellectual strength displayed by him on all occasions in giving expression to his convictions.

Especially when we remember his long connection with the Bench of this County, when this upright magistrate for nearly a quarter of a century served the public comparatively without pecuniary compensation, adorning his station with learning, patience, urbanity, and fearlessness, we cannot refrain from according to his memory the tribute of our respect for eminent judicial worth.

The undersigned believe that the proposed measure, if adopted and carried out, can be regarded in no other light than a sacrilege to the dead; that it would be an act of great injustice to the memory of one



who, upon the distinguished name he inherited, shed additional lustre ; that it would needlessly inflict a deep wound upon the sensibilities of the living relatives of Judge Jay ; that it would be an implied censure upon all those by whose agency the portrait was placed where it is ; that it would be a reproach to the County ; and that, sooner or later, the parties seeking its removal, and the children of such, would themselves feel regret and sorrow that the thing had been done.

With all proper respect to this Board, and each member of it, the undersigned, as citizens of the County of Westchester, feeling, as they believe they do, a becoming interest in whatever concerns the honor of our County, and the reputation of its distinguished citizens, most earnestly remonstrate against the adoption of the proposed resolution, and respectfully ask the Board to reject the same, in such terms as to the Board shall seem appropriate.

[Signed by]

HON. WILLIAM NELSON,  
OWEN T. COFFIN,  
CHARLES A. LEE, JR.,  
S. R. KNAPP,  
URIAH HILL, JR.,  
FROST HORTON,  
D. F. CLAPP,

And a large number of others.

## POST-SCRIPTUM.

It may be proper to add that an editorial in the White Plains "Eastern State Journal" of December 26, 1862, entitled "The Jay Portrait Controversy," contains a charge against the Committee who, in the name of the Supervisors, accepted the portrait and empowered the architect to suspend it, of being self-appointed and acting without authority. It does not appear from the recent proceedings of the Board that any such charge has been preferred in that body against the gentlemen of that Committee—or that the Board during the last three years has in any way disapproved their action.

It is also asserted in the same article that the portrait was placed where it is "as a party measure" by "political admirers of the late William Jay," and that "it was put up clandestinely and at night after most people had retired to their beds"—and "was chuckled over at the time as a successful party trick."

The facts which have led to this misapprehension are thus referred to in a letter from Mr. Hatfield, the architect of the Court House, dated February 20, 1860 :

"On Thursday the picture was taken from the depot to the Court House. The box containing it was opened in front of the building, and the picture carried up

stairs to the door of the Court room, but no farther. The door was locked. \* \* \* The next morning when he (Mr. Hatfield's assistant) got there, he asked for the key. It was given him, but the picture was gone from the box. Looking into the Court room he found it set up in its place, tied with strings. He did not learn how it came there. He removed the strings, and secured it in its place with screws, and then finished his work. I heard from there yesterday charges that an attempt had been made to place the picture there by stealth in the night. This was news indeed. No attempt at concealment was made. When the work was ready I went there about ten o'clock in the morning; spoke to the Treasurer and others, letting them know what I was about to do, and met with no repulse, and knew of no opposition, until the time when the picture was being done."

An editorial in "the Yonkers Examiner" some time afterward disclosed the fact that on the same Thursday evening the Court room was opened for a lecture by Samuel E. Lyon, Esq., and that after the lecture the portrait was raised to its place by some of the gentlemen in attendance. One of them, the late venerable Minott Mitchell, suggested to Mr. Lyon and other members of the Bar who chanced to be there, as a becoming thing, that the portrait should be placed in its position behind the Judge's seat by their own hands, rather than by those of strangers. The fitness of the suggestion was cordially recognized and promptly acted upon, and that last graceful act of homage to the dead was rendered the more significant by the fact that it was paid by his life-long political opponents. This closing incident in the history of the portrait, which will cling to it as a tradition, was related by Mr. Mitchell shortly before his death, and is attested by Mr. Lyon, and the other living actors in the scene.

The final proceedings of the Board of Supervisors on the 17th of December on the Preamble and Resolutions are reported in the same number of the "Eastern State Journal."

The opposition even of the democratic part of the Board to the resolution directing the Committee "to return the portrait now hanging over the Judge's desk to the owner thereof," was decidedly expressed by Mr. Sutherland, and the mover, Mr. Alsop H. Lockwood, asked leave to withdraw it; which being granted, the consideration of the rest of the subject was indefinitely postponed by the following vote:

*Ayes*:—Messrs. Albert Badeau, of New Rochelle; C. S. Brown, Cortlandt; W. S. Brown, North Castle; William Cornell, Searsdale; George W. Devoe, West Farms; Samuel Hopper, Harrison; Daniel Hunt, Lewisboro'; Edward B. Lane, New Castle; Abraham B. Reynolds, Ossining; Joseph L. Sutton, North Salem; William E. Teed, Somers; James L. Valentine, Yonkers.—12.

*Noes*:—Messrs. Benjamin I. Ambler, Bedford; James D. Halstead, Rye; Benjamin Hegeman, Pelham; Jonas D. Hall, Mamaroneck; Alsop H. Lockwood, Poundridge; Pellam L. McClelan, East Chester; Edmund G. Sutherland, White Plains; Shadrach Taylor, Greenburgh; Isaac M. Twitchings, Mount Pleasant.—9.



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